

RESPONSE TO OFFICE ACTION

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REMARKS

This response is intended as a full and complete response to the Office Action mailed on November 07, 2005. In view of the following discussion, the Applicants believe that all claims are in allowable form.

ELECTION OF CLAIMS

The Applicant confirms the election of claims 1-26 without traverse. Claims 27-30 have been cancelled without prejudice. The Applicant reserves the right to file continuing and/or divisional applications to prosecute the non-elected subject matter.

CLAIM OBJECTIONS

Claim 5, 6, 18 and 19 stand objected due to the informalities. In response, the Applicants have cancelled claim 6, duplicate of claim 5, and claim 19, duplicate of claim 18, without prejudice. Accordingly, the Applicants respectfully request the objection withdrawn.

CLAIM REJECTIONS**35 U.S.C. §103(a) Claims 1-26**

Claims 1-26 stand rejected as being unpatentable over United States Publication No. US 2005/0084987 published April 21, 2005 to *Wilson, et al.* (hereinafter referred to as *Wilson*) in view of U.S. Patent No. 6,640,151, issued October 28, 2003 to *Somekh et al.* (hereinafter referred to as *Somekh*). In response, the Applicants respectfully disagree.

Independent claims 1, 14, 25 and 26 recite limitations not taught or suggested by the combination of *Wilson* and *Somekh*. *Somekh* is a 102(e) type reference with respect to the present application as the present application claims priority as a divisional of United State Patent Application No. 09/939,073 filed on August 24, 2001, which is earlier than the patent issuing date, October 28, 2003, of *Somekh*. Furthermore, since the present application was filed after 11/29/99, 35 U.S.C. §103(c)

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states that *Somekh* may not preclude patentability, since the claimed invention and the reference were both subject to an obligation of assignment to Applied Materials, Inc. at the time the claimed invention was made. Thus, *Somekh* does not preclude patentability under the provisions of 37 C.F.R. §103(c), as amended Nov. 29, 1999. See, MPEP 706.02(l)(1). The Examiner states that *Wilson* does not teach or suggest all of the limitations respectively recited in each of claims 1, 14, 25 and 26. Therefore a *prima facie* case for obviousness has not been established as *Wilson* fails to teach or suggest all of the claimed limitations. In light of the patentability of the claims over *Wilson*, further rebuttal of the Examiner's analysis is moot. The Applicants reserve the right to address the remainder of the Examiner's analysis if a new rejection is made.

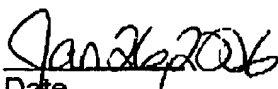
Thus, the Applicants submit that claims 1-26 are patentable over *Wilson* in view of *Somekh*. Accordingly, the Applicants respectfully request that the rejection be withdrawn and the claims allowed.


CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited.

If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,


Date


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